

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Hue Y.,

File No. 23-cv-209 (ECT/DJF)

Plaintiff,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

Martin J. O'Malley, *Commissioner of Social  
Security Administration,*

Defendant.

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Magistrate Judge Dulce J. Foster issued a Report and Recommendation on December 29, 2023. ECF No. 20. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 20] is **ACCEPTED IN PART**;<sup>1</sup> and
2. Plaintiff's Request for Relief [ECF No. 16] is **GRANTED IN PART** and **DENIED IN PART**;
3. The Commissioner's Request for Relief [ECF No. 18] is **GRANTED IN PART** and **DENIED IN PART**; and

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<sup>1</sup> The Report and Recommendation's recommendation to reverse the Commissioner's Decision is rejected in light of the case's disposition.

4. The matter is remanded to the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 17, 2024

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court